

## REMARKS

### **Reconsideration And Allowance Are Respectfully Requested.**

Claims 1, 3, 7-10, 14 and 21-29 are currently pending. Claims 1 and 3 have been amended. Claims 6, 11 and 13 have been cancelled without prejudice. New claims 21-29 have been added. Reconsideration is respectfully requested.

Applicant would first like to thank Examiner Blau for the courtesies extended during the Examiner's Interview conducted on June 29, 2000. During the course of this interview, Examiner Blau discussed the pending claims with Applicant's representative, Howard N. Flaxman. Specifically, claim 1 was discussed as it relates to the disclosures of U.S. Patent Nos. 5,322,290 to Minami ("Minami"), 5,555,584 to Moore, III et al. ("Moore") and 5,730,669 to Huang ("Huang"). During the course of the Examiner's Interview the obviousness of modifying Minami based upon the disclosures of Moore and Huang was discussed.

With regard to the outstanding rejection under 35 U.S.C. § 112, claim 3 has been amended to comply with § 112. In addition, claims 6, 11 and 13 have been cancelled.

With regard to the rejections based upon prior art, the outstanding claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Minami in view of Huang and Moore. As discussed during the Examiner's Interview of June 29, 2000, Applicant has endeavored to amend the claims in an effort to further define the lip structure as it relates to the positioning of the viscoelastic hand surface. With this in mind, claim 1 has been amended

to define a viscoelastic hand surface having a thickness. The viscoelastic hand surface is secured about the outer surface of the tubular shell, wherein the viscoelastic hand surface is a viscous liquid material contained within an elastomeric bag. The tubular shell includes a first end and a second end. The tubular shell also includes an outwardly extending first lip adjacent the first end of the tubular shell and an outwardly extending second lip adjacent the second end of the tubular shell. The first and second lips define a central section within which the viscoelastic hand surface is positioned. The central section has a depth as defined by the first and second lips which is substantially the same as the thickness of the viscoelastic hand surface such that the first and second lips retain the viscoelastic hand surface in position on the tubular shell.

As the Examiner noted during the Examiner's Interview, Minami discloses a golf club grip having an outer surface of low elasticity and high viscosity. Huang discloses a golf handle grip having a resilient rubber-like sleeve with a cap and guide cylinder. In addition, Moore discloses a tennis grip formed with a viscoelastic material contained within a casing. The Office Action argues that it would in fact be obvious to modify Minami based upon the disclosures of Moore and Huang in meeting the claims of the present application.

In view of the claims as amended, it is Applicant's opinion that it would not have been obvious to modify Minami based upon the disclosures of Huang and Moore to meet the outstanding claims. Specifically, while Huang discloses the inclusion of a cap and guide cylinder, Huang makes no suggestion as to the necessary depth for these members. In

*integral*

addition, Huang makes no provisions for utilizing upper and lower lips as a mechanism for retaining a viscoelastic material therebetween. Similarly, Moore provides no suggestion for retaining the disclosed grip surface in the claimed manner.

As such, it is Applicant's opinion that there is no suggestion in the prior art for combining Huang and Moore to modify Minami to include upper and lower lips shaped and dimensioned to conform with the thickness of the viscoelastic hand surface being positioned within the central portion. As such, Applicant respectfully requests that the rejection under 35 U.S.C. §103 be withdrawn.

With regard to new claims 21-28, claim 21 is substantially similar to amended claim 1 but defines the relationship between the first and second lips and the viscoelastic hand surface by stating that "the first and second lips [are] shaped and dimensioned to retain the viscoelastic hand surface in position on the tubular shell". As such, and with reference to the comments relating to amended claim 1 as presented above, it is Applicant's opinion that it would not in fact be obvious to modify Minami based upon the disclosures of Moore and Huang to meet new claim 21. *disagree*

In addition, the dependent claims respectively depend upon independent claims 1 and 21 are considered to overcome the prior art for the reasons presented above.

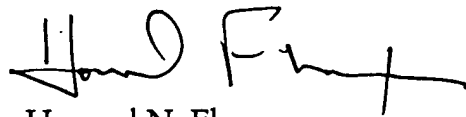
Further to those reasons presented above with regard to independent claims 1 and 21, claims 29 and 28 are respectively dependent upon independent claims 1 and 21, and add further limitations defining that the viscoelastic hand surface has a thickness between

approximately 1/16" and 1/4". Nothing in the prior art suggests such a range for the viscoelastic hand surface, nor does anything in the prior art disclose or suggest lips which would be substantially equivalent in thickness to the viscoelastic hand surface. As such, and further to the reasons presented above with regard to independent claims 1 and 21, Applicant believes claims 28 and 29 are allowable over the prior art of record.

For the foregoing reasons, it is Applicant's opinion that claims 1, 3, 7, 8, 9, 10 and 14 and 21-29 overcome the prior art of record. As such, Applicant respectfully requests that the rejections be withdrawn and the application pass to allowance.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Howard N. Flaxman". The signature is stylized with a large "H" and "F".

Howard N. Flaxman  
Registration No. 34,595

AQUILINO, WELSH & FLAXMAN, P.C.  
2341 Jefferson Davis Hwy., Ste. 112  
Arlington, Virginia 22202  
Telephone: (703) 920-1122

Docket No. KWI-001